

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

W. KNIGHT FOSTER PARTNERSHIP,  
Plaintiff,  
v.  
SARATOGA DATA SYSTEMS, INC.,  
Defendant.

Case No. 16-cv-02406-PJH

**ORDER RE: REMANDED CASE**

Re: Dkt. No. 37

On June 13, 2016, defendant Saratoga Data Systems, Inc. (SDS) filed a “notice of removal” of this action to the bankruptcy court for the Northern District of California. Dkt. 31. In light of the notice of removal, the court terminated plaintiff’s pending motions (Dkt. 9, 10) and closed the case. On August 4, Judge Montali granted plaintiff’s motion to remand the case back to this court. Dkt. 37.

As indicated by the Clerk, plaintiff’s request for entry of default (Dkt. 33) is DENIED. See Dkt. 36 (vacating entry of default). As this case was removed to bankruptcy court, there was no need for the defendant to respond to the complaint prior to July 1, 2016.

In light of the remand from bankruptcy court, it is hereby ORDERED that:

1) Defendant will have until **August 31** to respond to the complaint, unless the parties agree to extend the deadline by stipulation. See Local Rule 6-1(a).

2) If plaintiff wishes the court to consider its motions for a preliminary injunction (Dkt. 10) and to file under seal (Dkt. 9), plaintiff will need to re-notice the motion in accordance with the court’s 35-day briefing schedule. See Local Rule 7.

1 If defendant intends to appeal the bankruptcy court's order of remand, he shall file  
2 with this court a notice of any such appeal.

3 **IT IS SO ORDERED.**

4 Dated: August 11, 2016.



PHYLLIS J. HAMILTON  
United States District Judge